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RECIPIENT(S) NAME**FAX NUMBER:****COMPANY:**TO: Examiner William H. Beisner 571-273-~~1274~~ USPTO Group Art Unit 1775

FROM: Gary D. Colby, Ph.D, J.D.

1269

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RE 27 Apr 2011 2:00 P.M. Telephone Interview for

COMMENTS: USSN 10/587,053 of Hvichia

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In Re Appln of: Georgi HVICHIA :
Appln. No.: 10/587,053 : Group Art Unit: 1797
Examiner: William H. BEISNER : Conf. No.: 4866
Filing Date: 11 December 2006 : Attorney Docket No.: 10-1430 (PI-1US)
Title: Microstructure for Particle and Cell Separation, Identification, Sorting, and Manipulation

INFORMAL COMMUNICATION

The Applicant appreciates the Examiner's consideration in agreeing to a telephone interview to be conducted at 2:00 p.m. on Wednesday, 27 April 2011, at which time the practitioner listed below will telephone the Examiner at 571-272-1269.

REMARKS

Included on the four pages that follow this one are draft versions of the three independent claims that are pending in this application, claims 20, 31, and 34.

6/26 Telephone Notes:

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31. (Amended DRAFT) A microscale apparatus for separating particles, the apparatus comprising a body, a cover, and a separation element,

the body and cover defining a void having an inlet region, an outlet region, and a surface, the separation element i) being disposed in the void, ii) having a plurality of steps including a first step and a second step, and iii) defining a narrow passageway that fluidly connects the inlet and outlet regions in a fluid path,

the narrow passageway including a first passageway and a second passageway,

the first passageway fluidly connecting the inlet region and the second passageway, being bounded by the first step and the surface of the void, and having a height defined by the distance between the first step and the surface of the void, and

the second passageway fluidly connecting the first passageway and the outlet region, being bounded by the second step and the surface of the void, and having a height defined by the distance between the second step and the surface of the void, wherein the width of the narrow passageway at the portion of the second step nearest the inlet region in the fluid path is more greater than twice the height of the second passageway,

the height of the second passageway being smaller than the height of the first passageway.

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34. (Amended DRAFT) A kit comprising a body, a cover, and a separation element, the body and cover being adapted to fit one another and, when assembled, to define a void having an inlet region, an outlet region, and a surface, the separation element i) being disposable in the void of the assembled body and cover, ii) having a plurality of steps including a first step and a second step, and iii) defining a narrow passageway that fluidly connects the inlet and outlet regions in a fluid path when the body and cover are assembled with the separation element disposed in the void such that, the narrow passageway includes a first passageway and a second passageway, the first passageway fluidly connecting the inlet region and the second passageway, being bounded by the first step and the surface of the void, and having a height defined by the distance between the first step and the surface of the void, and the second passageway fluidly connecting the first passageway and the outlet region, being bounded by the second step and the surface of the void, and having a height defined by the distance between the second step and the surface of the void, wherein the width of the narrow passageway at the portion of the second step nearest the inlet region in the fluid path is more greater than ~~twice~~ the height of the second passageway, the height of the second passageway being smaller than the height of the first passageway.

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20. (Amended DRAFT – CURRENTLY WITHDRAWN) A method of separating particles, the method comprising providing the particles to the inlet region of a microscale apparatus, the apparatus comprising a body, a cover, and a separation element,

the body and cover defining a void having an inlet region, an outlet region, and a surface, the separation element i) being disposed in the void, ii) having a plurality of steps including a first step and a second step, and iii) defining a narrow passageway that fluidly connects the inlet and outlet regions in a fluid path,

the narrow passageway including a first passageway and a second passageway,

the first passageway fluidly connecting the inlet region and the second passageway, being bounded by the first step and the surface of the void, and having a height defined by the distance between the first step and the surface of the void, and

the second passageway fluidly connecting the first passageway and the outlet region, being bounded by the second step and the surface of the void, and having a height defined by the distance between the second step and the surface of the void, wherein the width of the narrow passageway at the portion of the second step nearest the inlet region in the fluid path is more greater than twice the height of the second passageway,

the height of the second passageway being smaller than the height of the first passageway,

passing a fluid from the inlet region into the outlet region by way of the narrow passageway, whereby particles are separated based on a characteristic dimension of the individual particles, and

thereafter collecting separated particles.

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Pending claim 31, directed to an apparatus, is the claim on which discussion is expected to center during the telephone interview. Pending claim 34 essentially recites a kit that includes the elements of the device of claim 31, whether assembled or not.

Claim 20 is pending, but presently withdrawn. The Applicant expects that rejoinder of claim 20 (and the method-type claims that depend from it) will be requested in the event that claim 31 is considered allowable. The method recited in claim 20 recites use of the apparatus of claim 31 to separate particles, and the apparatus recited in claim 20 includes every recitation of the apparatus of claim 31.

The Applicant expects that discussion during the telephone interview will center on paragraph [0035] of the specification and the support provided (relating to the requirements of 35 U.S.C. § 112) by that paragraph for claims 31, 34, and 20.

Respectfully submitted,

Georgi HVICHIA

(Date)

By: _____ **DRAFT**

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